

FILED

JAN - 5 2009

U.S. DISTRICT COURT  
MARTINSBURG, WV 25401

ROBERT L. PETRY,

Plaintiff,

v.

Civil Case No.: 3:08-cv-00055-JPB

NATIONAL CITY MORTGAGE,

Defendant.

ORDER OF DISMISSAL

This matter came before the Court upon the Joint Motion of Plaintiff Robert L. Petry, (collectively referred to as "Plaintiff") and Defendant National City Mortgage, ("Defendant"), by their respective counsel, seeking entry of an Order of Dismissal by reason of a settlement reached between them. The terms of the settlement have been memorialized in an Agreement and Mutual Release.

Based upon the representations of Counsel and the Court's review of the respective Joint Motion, it is **ORDERED** that the claims and causes set forth in the Complaint against Defendant National City Mortgage are hereby **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the Clerk is directed to close the above-captioned matter as being fully resolved since all parties have reached a settlement.

Entered this 5th day of January, 2009.

Honorable John P. Bailey

Prepared by:

/s/ Chris R. Arthur

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Seen and Agreed:

/s/ Aaron Amore

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